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**REMARKS**

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Claims 1-75 are currently pending in the subject application and are presently under consideration. Claims 1, 35, 38, 61, 71, 72, 73 and 74 have been amended as shown at pages 2-13 of the Reply.

Applicants' representative thanks Examiner Coulter for the courtesies extended during the telephonic interviews conducted on September 10, 2007. Examiner was contacted to discuss the claim objection and rejections under 35 U.S.C. §102(e). During the interview a set of amendments were presented to overcome the rejection under 35 U.S.C. §102(e) identified in the Office Action. These amendments have been incorporated into the claims as shown above. Examiner indicated that he believed the amendments would overcome the cited reference, but that further search and consideration was required to determine if the claims would be allowed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.     **Rejection of Claims 1-75 Under 35 U.S.C. §102(e)**

Claims 1-75 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bates, *et al.* (US 6,779,021). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bates, *et al.* does not teach or suggest each and every limitation of appellants' claimed invention.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes **each and every** limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject application relates identification of spam and spam senders at the sender's outgoing message system. For example, the system can perform various counts and compute various scores in order to detect spam senders, as well as, force e-mail senders to perform additional steps when they are identified as a potential spam sender. In particular, independent

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claim 1 (and similarly independent claims 35, 71, 72 and 73) recites *a detection component employed by an outgoing message server that detects a potential spammer in connection with at least one outgoing message, the detection of a potential spammer being based in part on at least one of* **number of apparently legitimate outgoing messages or number of non-deliverable messages for an entity**.

Bates, *et al.* does not teach or suggest the aforementioned novel aspects of the subject claims. The cited reference discloses a system that is primarily concerned with detection of spam at recipient's system. The system employs various filters that are based upon counts or keywords in the message in order to determine spam. The cited reference discloses that the filters can be employed at a sender to identify outgoing spam. However, the reference fails to disclose employing the number of legitimate outgoing messages or the number of non-deliverable messages from a sender in order to determine if the sender is sending spam. The cited reference relies upon generic counts of total outgoing messages or number of recipients. Therefore, Bates, *et al.* fails to teach or suggest a detection component employed by an outgoing message server that detects a potential spammer in connection with at least one outgoing message, the detection of a potential spammer being based in part on at least one of number of apparently legitimate outgoing messages or number of non-deliverable messages for an entity.

Furthermore, claim 38 recites **computing a total score per sender based upon two or more of** *the score per outgoing message, the score per sender based at least in part upon outgoing message volume per sender, score per sender based at least in part upon outgoing message rate per sender, the a score per sender based at least in part upon a total recipient count per sender, or the score per sender based at least in part upon a unique recipient count per sender.* Bates, *et al.* discloses various counts but fails to teach combining the counts into a total score for a sender in order to determine if a sender is sending spam. Producing a combined score allows the various sub components of the total score to possibly offset each other or be weighted differently, thereby reducing/increasing the influence of one particular component in determining a spam sender. Bates, *et al.* doesn't teach computing a total score per sender as recited in the subject claim.

Additionally, independent claim 61 (and similarly independent claim 74) recites **requiring an owner of the user account to resolve one or more challenges** *after at least one of a number of outgoing messages counted exceeds a predetermined threshold or a number of*

*recipients counted exceeds a predetermined threshold; and suspending delivery of subsequent outgoing messages from the user account until the one or more challenges are resolved.* Bates, *et al.* is silent regarding a requiring the sender of a message to perform any kind of challenge in order to send messages. The Office Action cited several sections(Fig 4a, col. 4, lines 45-52; col 6, line 55-col. 7, line 6) of the cited reference in relation to the similar limitations of claim 3. However, these sections merely disclose that spam e-mails are displayed differently and that an e-mail account can be restricted if it is identified as sending spam. There is no mention of requiring an owner of the account to perform a challenge in order to remove the restriction. Therefore, Bates, *et al.* fails to teach or suggest requiring an owner of the user account to resolve one or more challenges after at least one of a number of outgoing messages counted exceeds a predetermined threshold or a number of recipients counted exceeds a predetermined threshold.

Moreover, independent claim 65 (and similarly independent claim 75) recites *performing at least one economic analysis to determine* **sender outgoing message volume** *limits based at least in part on spammer behavior and legitimate user behavior; and* **limiting the sender outgoing message volume to at least one of a maximum number per challenge resolved or a maximum number per fee paid by a sender**. The Office Action fails to point to any sections of the cited reference that teaches the limitations of these claims. Bates, *et al.* is silent regarding performing any economic analysis, especially one in conjunction with determining sender outgoing message volume limits. As discussed above with respect to independent claims 61 and 74, the reference fails to discuss a sender challenge. The cited reference is also silent regarding a message volume fee paid by a sender. As such, Bates, *et al.* fails to teach or suggest the novel features of the subject claims.

In view of at least the above, it is respectfully submitted that Bates, *et al.* does not teach or suggest applicants' invention as recited in independent claims 1, 35, 61, 65, and 71-75 (and claims 2-34, 36-60, 62-64, and 66-70 which respectively depend there from) and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

## CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP418US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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